USDC SDNY

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	X	DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: Nov. 14, 2012
UNITED STATES OF AMERICA,	:	
-v	:	11 Cr. 581 (JFK)
ROBERT LEE MILES	:	MEMORANDUM OPINION & ORDER
	:	
Defendant.	:	
	X	

## John F. Keenan, United States District Judge:

In an indictment dated July 8, 2011, Defendant Robert Lee Miles ("Miles") is charged: (1) as a felon in possession of a firearm, specifically a Trocaola Aranzabal Y Cia pistol, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e). In an opinion and order dated September 20, 2012, the Court denied Miles' motion to dismiss the indictment under the so-called "innocent possession" defense. The Court further denied Miles' motion to permit the jury to consider the defense of "innocent possession." See United States v. Miles, No. 11 Cr. 581, 2012 WL 4178274 (S.D.N.Y. Sept, 20, 2012) (finding that the "innocent possession" offense does not apply to the statute prohibiting felons from possessing firearms and denying various other defense motions). On November 13, 2012, Miles executed a written waiver of his right to a jury trial and entered into a stipulation of facts with the Government.

Pursuant to that stipulation, Miles admits that on January 19, 2011, he knowingly possessed a Trocaola Aranzabal Y Cia

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pistol while in a subway car in the Southern District of New

York. Miles also acknowledges that, at the time he possessed

the firearm, he had previously been convicted of at least one

felony.

Based upon these stipulated facts, the Court hereby finds

Defendant Robert Lee Miles guilty as charged in Count One of the

indictment.

SO ORDERED.

Dated: New York, New York

November 13, 2012

John F. Keenan

United States District Judge